



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Receive a Report of the Cost of Abating Weeds in Front Of Or On Each Separate Parcel of Land Where the Work Was Done In the City of Lodi During 1992

**MEETING DATE:** December 16, 1992

**PREPAF :** City Clerk

**RECOMMENDED ACTION:** That following a public hearing regarding the matter, the City Council adopt the attached Resolution confirming the cost of weed abatement in the City of Lodi during 1992 and provide for collection through the San Joaquin County Auditor's Office.

**BACKGROUND INFORMATION:** Council will recall that several months ago the Council initiated weed abatement proceedings on various parcels throughout the City. According to the Government Code of the State of California legal noticing, including letter to the subject property owners, publications and posting were made regarding the matter. Public hearing regarding the program were conducted by the City Council.

Ultimately, the City abated weeds on the following parcels:

<u>Amount</u>	<u>Address</u>	<u>Assessor Parcel No.</u>
\$145.00	713 South Sacramento Street, Lodi	045-240-07
\$100.00	811 South Pleasant Avenue, Lodi	045-180-19
\$120.00	404 Flora Street, Lodi	047-342-02
\$130.00	706 Garfield Street, Lodi	047-323-03

The Government Code provides that the City Council shall set a public hearing to receive a report of the cost of abatement in front of or on each separate parcel of land where the work was done by the City. At the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. After confirmation of the report by the Council a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of the assessment to the next regular bill levied against the parcel for municipal purposes.

APPROVED. \_\_\_\_\_

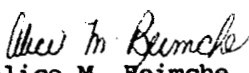
THOMAS A. PETERSON  
City Manager



Public Hearing To Receive Cost of Weed Abatement  
December 16, 1992  
Page Two

It is therefore recommended that following the public hearing that the City Council adopt the attached resolution confirming the cost of weed abatement in the City of Lodi during 1992 and provide for collection through the San Joaquin County Auditor's Office.

FUNDING: None required.

  
Alice M. Reimche  
City Clerk

RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT  
FOR 1992 AND PROVIDING FOR COLLECTION

BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Resolution Confirming the Cost  
of Weed Abatement for 1992 and  
Providing for the Collection on  
the Regular Tax Bill

RESOLUTION NO. 92-193

The City Council adopted Resolution No. 92-59 on April 15, 1992 electing to proceed under Government Code Sections 39501-39588 and declared a public nuisance all weeds growing upon streets, sidewalks and private property in the city;

The City Council adopted Resolution No. 92-99 on May 20, 1992 following the holding of a public hearing, and did overrule objections and determined to proceed with the abatement of weeds growing upon public ways and private property in the city;

The superintendent has abated the nuisance declared by Resolution No. 92-59 and has kept an account of the cost of abatement and has submitted it to the City Council for confirmation;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) The City Council ordered the superintendent to abate the nuisance declared by Resolution No. 92-99 by having the weeds, rubbish, refuse and dirt removed and thereafter the superintendent entered upon private property more particularly hereafter described to abate the nuisance and the superintendent kept an account of the cost of abatement and has submitted it to the council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. No objections were filed or made by the property owner liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

(2) Cost of the abatement as set forth in Exhibit "A" constitutes a special assessment against that parcel and is a lien on the Parcel.

Resolution No. 92-193

December 16, 1992

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(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Assessor, County Tax Collector. County Auditor, on or before December 16, 1992. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount. of the assessment at the time and in the manner as other **ordinary** municipal taxes. All in the manner provided by Government Code Sections 39560-39587.

Adopted by the City Council of the City of Lodi on December 16, 1992 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Xembers -

Alice M. Reimche  
City Clerk

REPORT OF THE STREET SUPERINTENDENT, CITY OF LODI  
REGARDING COST OF CITY WEED ABATEMENT PROGRAM FOR 1992

1. Weed abatement - 713 S. Sacramento Street, Lodi  
Parcel No. (045-240-07)

Ireland Landscape Co.  
10111 N. Highway 99  
Stockton, CA 95209

Amount - \$145.00

2. Weed abatement - 811 South Pleasant Avenue, Lodi  
Parcel No. (045-180-19)

Ireland Landscape Co.  
10111 N. Highway 99  
Stockton, CA 95209

Amount - \$100.00

3. Weed abatement - 404 Flora Street, Lodi  
Parcel No. (047-342-02)

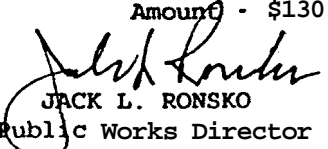
Ireland Landscape Co.  
10111 N. Highway 99  
Stockton, CA 95209

Amount - \$120.00

4. Weed Abatement - 706 Garfield Street, Lodi  
Parcel No. (047-323-03)

S. E. Del Rio, Lodi  
c/o Ben Schaffer  
122 N. Church Street  
Lodi, CA 95240

Amount - \$130.00

  
JACK L. RONSKO  
Public Works Director

Street Superintendent

Date: 12/7/92

WEEDS#08/TXTA.02J/WEEDS

DECLARATION OF MAILING

On November 23, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

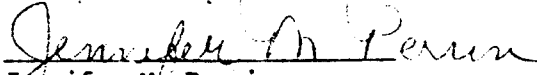
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 23, 1992, at Lodi, California

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Alice M. Reimche  
City Clerk

  
Jennifer M. Perrin  
Deputy City Clerk

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL  
CALLED PURSUANT TO GOVERNMENT CODE SECTION 39576 TO RECEIVE  
A REPORT OF THE COST OF ABATING WEEDS IN FRONT OF  
OR ON EACH SEPARATE PARCEL OF LAND WHERE THE WORK WAS DONE  
BY THE CITY OF LODI

WHEREAS, the Government Code provides that the City Council shall set a public hearing to receive a report of the cost of the abatement of weeds in front of or on each separate parcel of land where the work was done by the City of Lodi; and

WHEREAS, at the time fixed for receiving and considering the report. the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. The Council may modify the report if it is deemed necessary. The legislative body shall then confirm the report by resolution.

WHEREAS, after confirmation of the report by the legislative body, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of assessment to the next regular tax bill levied against the Parcel for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set a public hearing to receive the report of the cost of City of Lodi weed Abatement Program for 1992 to be held at 7:30 p.m. on Wednesday, December 16, 1992 in the Carnegie Forum, 305 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views regarding this matter.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to, the Public Hearing.

By Order of the Lodi City Council

  
Alice M. Reimche  
City Clerk

Dated: November 18, 1992

Note: 713 S. Sacramento Street \$145.00  
811 S. Pleasant Avenue \$100.00  
404 Flora Street \$120.00

WEEDS#13/TXTA.02J/WEEDS

WEED ABATEMENT  
MAILING LIST  
EXHIBIT B

Steve Raddigan  
Fire Marshal

Joel Harris  
Purchasing Officer

Ireland Landscape Co.  
10111 N. Highway 99  
Stockton, CA 95209



LEGAL NOTICE

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By Order of the Lodi City Council

  
Alice M. Reimche  
City Clerk

Dated: November 18, 1992

Note: 706 Garfield Street, Lodi \$175.00

WEEDS#13/TXTA.02J/WEEDS

WEED ABATEMENT  
MAILING LIST  
EXHIBIT B

Steve Raddigan  
Fire Marshal

Joel Harris  
Purchasing Officer

S. B. Del Rio, Lodi  
c/o Ben Schaffer  
122 N. Church Street  
Lodi, CA 95240

DECLARATION OF POSTING

On December 11, 1992 in the City of Lodi, San Joaquin County, California.  
I posted on the following public bulletin boards the attached documents,  
marked Exhibit A:

- a) City Hall  
Council Chambers Bulletin Board  
221 West Pine Street  
Lodi, CA 95240
- b) Public Safety Building  
230 West Elm Street  
Lodi, CA 95240
- c) Carnegie Forum doors  
305 West Pine Street  
Lodi, CA 95240

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 11, 1992 at Lodi, California.

\_\_\_\_\_  
ALICE M. REIMCHE  
City Clerk

*Linda S. Wagner*  
LINDA S. WAGNER  
Deputy City Clerk

LEGAL NOTICE

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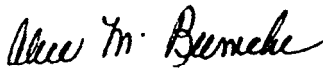
WHEREAS, after confirmation of the report by the legislative body, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of assessment to the next regular tax bill levied against the parcel for municipal purposes.

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By Order of the Lodi City Council

  
Alice M. Reimche  
City Clerk

Dated: November 18, 1992

WEEDS#13/TXTA.02J/WEEDS

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-8705

THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
BOB McNATT  
C / Attorney

December 21, 1992

San Joaquin County Auditor-Controller  
Attention: Adrian J. Van Hauten  
San Joaquin County Courthouse  
222 East Weber Avenue, Room 103  
Stockton, CA 95202

Dear Mr. Van Hauten:

Enclosed herewith please find certified copy of Resolution No. 92-193 entitled, "Resolution Confirming The Cost Of Weed Abatement For 1992 and Providing For Collection" which was adopted by the Lodi City Council at its regular meeting of December 16, 1992.

You are hereby requested to enter the assessment on the County tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes.

Should you have any questions, please do not hesitate to call this office.

Very truly yours,

  
Alice M. Reimche  
City Clerk

AMR/jmp

cc: Dixon Flynn, Finance Director  
San Joaquin County Tax Collector  
San Joaquin County Tax Assessor

WEEDS#07/TXTA.02J/WEEDS

RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT  
FOR 1992 AND PROVIDING FOR COLLECTION

BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Resolution Confirming the Cost  
of Weed Abatement for 1992 and RESOLUTION NO. 92-193  
Providing for the Collection on  
the Regular Tax Bill

The City Council adopted Resolution No. 92-59 on April 15, 1992 electing to proceed under Government Code Sections 39501-39588 and declared a public nuisance all weeds growing upon streets, sidewalks and private property in the city;

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The superintendent has abated the nuisance declared by Resolution No. 92-59 and has kept an account of the cost of abatement and has submitted it to the City Council for confirmation;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) The City Council ordered the superintendent to abate the nuisance declared by Resolution No. 92-99 by having the weeds, rubbish, refuse and dirt removed and thereafter the superintendent entered upon private property more particularly hereafter described to abate the nuisance and the superintendent kept an account of the cost of abatement and has submitted it to the council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. No objections were filed or made by the property owner liable for assessment for the abatement and the report as Set forth in Exhibit "A" is confirmed.

(2) Cost of the abatement as set forth in Exhibit "A" constitutes a special assessment against that parcel and is a lien on the parcel.

Resolution No. 92-193  
December 16, 1992  
Page Two

(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Assessor, County Tax Collector, County Auditor, on or before December 16, 1992. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes. All in the manner provided by Government Code Sections 39560-39587.

Adopted by the City Council of the City of Lodi on December 16, 1992 by *the* following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Alice M. Reimche  
City Clerk

RECEIVED

93 MAR 30 PM 5: 32

MEMORANDUM, Finance Department, Purchasing Division

JOSEPH M. PERRIN  
CITY CLERK  
CITY OF TULSA

=====

TO: City Clerk

FROM: Joel Harris, Purchasing Officer

DATE: March 30, 1993

SUBJECT: 1992 Weed Abatement

On November 3, 1992, I sent to your office a summary of properties on which forced abatement of weeds was completed. I also indicated that the owner of 706 South Garfield, Ben Schafer, had indicated a willingness to reimburse the City for the cost of abatement, \$130, plus \$45 administrative fees. (See Attachment 1)

Subsequent to that memo, I indicated to your office that I had not received a response from that owner, either positive or negative, and that Finance records had not listed receipt of payment in the amount of the invoice, so I requested therefore that the Garfield property be included in the Resolution (No. 92-193, December 16, 1992) providing for collection. (See City Council meeting minutes, Attachment 2)

While researching another matter this morning, I found an entry dated December 31, 1992, indicating receipt of payment from Ben Schafer in the amount of the invoice, \$175 (See Attachment 3 - The date in the left-hand column, '11-3-92', is the date of the billing). Having no other information as to the nature of the payment, I assume (based on the date of receipt and on the amount) that this entry indicates record of payment of the amount billed for reimbursement of the cost to abate the weeds on the Garfield property.

I offer this as information only; whether this is sufficient to justify removal of any lien from the property isn't known, but I thought I would pass it along.



MEMORANDUM, Finance Department, Purchasing Division

=====

TO: City Clerk  
FROM: Joel Harris, Purchasing Officer  
DATE: November 3, 1992  
SUBJECT: 1992 Weed Abatement Summary

Resolution 92-99, 5/20/92:

713 S. Sacramento Street	\$145.00
811 S. Pleasant Avenue	100.00
404 Flora Street	120.00

Contractor: Ireland Landscape Co., Stockton  
Purchase Order No. 6919 dated June 24, 1992

Resolution 92-164, 9/16/92:

706 S. Garfield	Owner has indicated willingness to reimburse City for cost of abatement; see accompanying invoice.
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Contractor: S. E. Del Rio, Lodi  
Purchase Order No. 7706 dated October 12, 1992